

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Liqui-Box Corporation,

Plaintiff,

v.

Advanced Plastic Systems, Inc.,

Defendant.

No. 2:22-cv-01466-KJM-JDP

ORDER

Plaintiff Liqui-Box Corporation brings this contribution and indemnity action against defendant Advanced Plastic Systems, Inc. (APS) over potential prospective liability stemming from a different case pending in a different federal district court. *See generally* Compl., ECF No. 1. APS moves the court to dismiss this case for lack of personal jurisdiction. *See* Mot., ECF No. 7. In advance of the motion hearing, the court **orders the parties to show cause why this case should not be dismissed for lack of subject matter jurisdiction.**

Liqui-Box manufactures aseptic liquid packaging products, which are filled through a plastic fitment produced by APS. Compl. ¶ 6. It sold some of those products to Tree Top, Inc. *Id.* Tree Top and Certain Interested Underwriters at Lloyd's are suing Liqui-Box in the Eastern District of Washington for allegedly sustained damages due to defects in the plastic fitments. *Id.* ¶¶ 4–5. In turn, Liqui-Box filed this lawsuit against APS for contribution and common law equitable indemnity. *Id.* ¶ 8.

1 Because Liqui-Box's lawsuit against APS hinges on the uncertain outcome of Tree Top's
2 lawsuit, it appears unripe. *See Texas v. United States*, 523 U.S. 296, 300 (1998) ("A claim is not
3 ripe for adjudication if it rests upon contingent future events that may not occur as anticipated, or
4 indeed may not occur at all.") (internal quotation marks omitted). The doctrine of ripeness draws
5 from constitutional and prudential constraints on judicial power and may be raised by a court *sua*
6 *sponte*. *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 808 (2003). "[A]s a prudential
7 matter, courts often find claims for indemnification or contribution are not ripe because the claims
8 are contingent upon the outcome of ongoing underlying litigation." *Allstate Ins. Co. v. Am.*
9 *Reliable Ins. Co.*, No. 16-0871, 2017 WL 1153041, at *2 (E.D. Cal. Mar. 28, 2017) (collecting
10 cases) (internal quotation marks omitted).

11 The parties are directed to **show cause why this case should not be dismissed for lack of**
12 **subject matter jurisdiction by filing any briefing on the question, limited to 10 pages per**
13 **party, by January 20, 2023, at 12:00 p.m.**

14 IT IS SO ORDERED.

15 DATED: January 5, 2023.



CHIEF UNITED STATES DISTRICT JUDGE